PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q78312
Lieven Leopold Albertine TRAPPENIERS, et al.	
Appln. No.: 10/736,634	Group Art Unit: 2433
Confirmation No.: 4745	Examiner: William J. GOODCHILD
Filed: December 17, 2003	

For: COUPLING SELECTION/CONFIGURATION THROUGH SERVICE PARAMETERS

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The statutory fee of $540.00 for submitting the Appeal Brief was previously paid on January 12, 2009. Since a final Board decision had not been made on the prior appeal, Applicant respectfully requests to apply the previously paid fee to the current Appeal Brief.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: April 27, 2011

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is ALCATEL, the assignee of the present application. The assignment was recorded December 17, 2003, at Reel 014817, Frame 0006.

II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences or judicial proceedings known to Appellant's Representative or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

III. STATUS OF CLAIMS

Claims 1-15, 18, and 19 are all the claims pending in this application and are all rejected in the Final Office Action dated October 28, 2010.

Claim 16 and 17 are canceled.

Claims 1-15, 18, and 19 are subject to this Appeal.

IV. STATUS OF AMENDMENTS

No Amendment subsequent to Final Rejection has been submitted.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method for communication between a terminal (1) and a service providing-server (6) or another terminal via an access system (4) providing access to a network (5),wherein the terminal (1) is coupled to a coupling-interface (2) able to communicate with the access system (4) by protocol couplings (3). (See Specification at FIG. 1 and 10:26-11:32). The method comprises the steps of (a) at said terminal (1), generating a service-selection-signal and transmitting said service-selection-signal (100,101) from said terminal (1) to a service-selection-server (9), and (b) at said service-selection-server (9), in dependence of a service-definition-signal, obtained by said service-selection server (9), generating a configuration-signal and transmitting said configuration-signal to said access system (4) for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3). (See Specification at FIG. 2 and 13:18-14:18).

Further, claim 1 recites the step of (c) at said service-selection-server (9), generating a service-information-signal and transmitting said service-information-signal (105) to said terminal (1) and/or said coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information signal defines a protocol coupling (3) to be used. (See Specification at 14:19-23). Still further, claim 1 recites (d) at said terminal (1) and/or said coupling-interface (2), communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating (107,108) comprises an exchange of signals that comprise said at least one service parameter. (See Specification at 14:24-15:13).

By introducing step (a), a user at the terminal has the option of selecting one out of many services, like for example surfing the web, making a telephone call, ordering pay-tv-channels etc. Then, with step (b), parts of the access system, like for example modems, filters, (de)modulators, (de)converters etc. and parts of packet switched-couplings like for example Asynchronous-Transfer-Mode-Pipes, Multi-Protocol-Label-Switching pipes, Internet-Protocol-couplings etc.

are configured to be in conformance with the service-definition-signal. Thereby, the configuration signal may correspond with the service-definition-signal or not and may comprise parts of the service-definition-signal or not. By introducing step (c), the terminal and/or the coupling-interface is/are informed through the service-information-signal, which, for example, defines the protocol coupling to be used. Finally, with step (d), communication takes place via the coupling defined by a service parameter. (See Specification at 15:28-16:6). By virtue of the claimed method, the service-information-signal is used to inform the terminal 1 and/or coupling interface dynamically and allows for increased efficiency in the communication. (See Specification at 16:7-14).

Dependent claim 3 recites, at said service-selection-server (9), receiving said service-definition-signal from said service-providing-server (6) or said other terminal defined by said service-selection-signal. (See Specification at 14:1-10).

Independent claim 8 is directed to an access system (4) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via the access system (4) providing access to a network (5). The terminal (1) is coupled to a coupling interface (2) to communicate with the access system (4) by protocol couplings (3). (FIG. 1, page 4, line 29 – page 5, line 9, page 11, lines 15-24).

The access system includes an access processor-system (40) that controls an access transceiver (47) that transmits and receives signals. (See Specification at 11:15-27). The access processor-system (40) includes a receiving processor-system-part (41) that receives a configuration-signal from a service-selection-server (9), and a configuring processor-system-part (42) that, in dependence on the configuration-signal, obtained by said service-selection server (9), configures (104) at least parts of the access system (4) and at least parts of the protocol couplings (3). (See Specification at FIG. 2, 2:14-21, and 13:18-14:18). The access-processor-system further includes a generating/forwarding processor-system part (43) for

generating/forwarding a service-information-signal and transmitting the service-information-signal to the terminal (1) and/or the coupling interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3). (See Specification at 14:19-23, and 18:25-19:6). Further, the service-information-signal defines a protocol coupling to be used. (FIGS. 1-2, Specification, at 15:28-16:6).

Independent claim 9 is directed to an access processor program embodied on a tangible computer readable medium to be run via an access processor-system (40) for controlling an access transceiver (47) for transmitting and receiving signals and for use in an access system (4) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via said access system (4) providing access to a network (5). Further, the terminal (1) is coupled to a coupling-interface (2) to communicate with the access system (4) by protocol couplings (3). (See Specification at FIG. 1, 5:10-21, 11:15-27, and 18:25-19:6).

The method for communication recites the operations of receiving a configuration-signal from a service-selection-server (9), and, in dependence of said configuration-signal, obtained by the service-selection-server (9), configuring (104) at least parts of the access system (4) and at least parts of the protocol couplings (3). (See Specification at FIG. 2, 2:14-21, and 13:18-14:18). In addition, the method further includes the operation of generating/forwarding a service-information-signal and transmitting the service-information-signal to the terminal (1) and/or the coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), which service-information signal defines a protocol coupling (3) to be used. (See Specification at 14:19-15:13).

Independent claim 10 is directed to a service-selection-server (9) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5). The terminal (1) is coupled

to a coupling-interface (2) to communicate with the access system (4) by protocol couplings (3), and the service-selection-server (9) includes a service-selection-server processor-system (90) for controlling a service-selection-server transceiver (97) for transmitting and receiving signals. (See Specification at FIG. 1, 5:22-6:6, 12:14-21, and 13:18-14:18).

As further defined, the service-selection-server processor-system (90) of claim 10 includes a receiving processor-system-part (91) that receives (100,101) a service-selection-signal from said terminal (1) (see Specification at FIG. 2 and 19:7-15); a configuring processor-system-part (92) that, in dependence of a service-definition-signal, obtained by said service-selection-server (9), generates a configuration-signal and transmits the configuration-signal to the access system (4) for configuring (104) at least parts of the access system (4) and at least parts of the protocol couplings (3) (see Specification at 13:18-14:18 and 19:7-15); and a generating processor-system-part (93) that generates a service-information-signal and transmits (105) the service-information-signal to the terminal (1) and/or the coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein the service-information-signal defines a protocol coupling to be used. (See Specification at 14:19-15:13 and 19:7-15).

Independent claim 11 is directed to a service-selection-server program embodied on a tangible computer readable medium to be run via a service-selection-server processor-system for controlling a service-selection-server transceiver for transmitting and receiving signals and for use in a service-selection-server (9) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling-interface (2) to communicate with the access system (4) by protocol couplings. (See Specification at FIG. 1 and 6:7-22).

As recited, the method for communication includes receiving (100,101) a service-selection-signal from said terminal (1) (See Specification at FIG. 2 and 13:18-14:18); and in

dependence of a service-definition-signal, obtained by the service-selection-server (9), generating a configuration-signal and transmitting the configuration-signal to the access system (4) for configuring (104) at least parts of the access system (4) and at least parts of the protocol couplings (3). (See Specification at FIG. 2 and 13:18-14:18). The method further recites the operation of generating a service-information-signal and transmitting (105) the service-information-signal to the terminal (1) and/or the coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein the service-information-signal defines a protocol coupling (3) to be used. (See Specification at 14:19-23).

Independent claim 12 is directed to a terminal (1) for performing a method for communication between the terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling interface (2) to communicate with the access system (4) by protocol couplings (3), the terminal (1) includes a terminal processor-system (10) for controlling a terminal receiver (17) for transmitting and receiving signals. (See Specification at FIG. 1 and 6:23-7:7 and 11:1-14).

As recited, the terminal processor-system (10) of claim 12 includes a selecting processor-system-part (11) that generates a service-selection-signal and transmits (100,101) the service-selection-signal from the terminal (1) to the service-selection-server (9) (see Specification at 19:16-28); the service-selection-server (9), in dependence of a service-definition-signal, obtained by the service-selection-server (9), generating a configuration-signal to the access system (4) for configuring at least parts of the access system (4) and at least parts of the protocol couplings (3) (see Specification at FIG. 2 and 13:18-14:18); and a receiving processor-system-part (12) that receives (105) a service-information-signal from the service-selection-server (9), to inform about the configurations made in at least parts of the access system (4) an in at least parts of the protocol couplings (3), wherein the service-information-signal defines a protocol coupling (3) to be used. (See Specification at 14:19-15:13 and 19:16-28).

The terminal processor-system (10) of claim 12 further includes a communicating processor-system-part (13) that communicates (107,108) with the service-providing-server (6) or the another terminal via the protocol coupling (3) defined by at least one service parameter, wherein the communicating includes an exchange of signals that comprise at least one service parameter. (See Specification at 14:24-15:13 and 19:16-28).

Independent claim 13 is directed to a terminal processor program embodied on a tangible computer readable medium to be run via a terminal processor-system (10) for controlling a terminal transceiver (17) for transmitting and receiving signals and for use in a terminal (1) for performing a method for communication between said terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling-interface (2) able to communicate with the access system by protocol couplings (3). (See Specification at FIG. 1, 7:8-21, and 11:1-14).

As recited, the method for communication of claim 13 generating a service-selection-signal and transmitting (100,101) the service-selection-signal from the terminal (1) to a service-selection-server (9) (see Specification at FIG. 2 and 13:18-14:18); the service-selection-server (9), in dependence of a service-definition-signal, obtained by the service-selection-server (9), generating a configuration-signal and transmitting the configuration-signal to the access system (4) for configuring (104) at least parts of the access system (4) and at least parts of the protocol couplings (3) (see Specification at FIG. 2 and 13:18-14:18); and receiving a service-information-signal from the service-selection-server (9) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein the service-information-signal defines a protocol coupling (3) to be used. (See Specification at 14:19-23).

The method for communication of claim 13 further includes communicating (107,108) with the service-providing-server (6) or the other terminal via the protocol coupling (3) defined

by at least one service parameter, wherein the communicating (107, 108) includes an exchange of signals that comprise the at least one service parameter. (See Specification at 14:24-15:13).

Independent claim 14 is directed to a coupling-interface (2) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to the coupling interface (2) able to communicate with the access system (4) by protocol couplings (3), the coupling-interface (2) comprising a coupling-interface processor-system (20) for controlling a coupling-interface transceiver (27) for transmitting and receiving signals. (See Specification at FIG. 1, 7:22-8:4, and 14:13-23).

As recited, the coupling-interface processor-system (20) of claim 14 includes a transceiving processor-system-part (21) that receives a service-selection-signal from the terminal (1) and transmitting (100,101) the service-selection-signal to a service-selection-server (9) (see Specification at FIG. 2 and 19:29-20:9); the service-selection-server (9), in dependence of a service-definition-signal, obtained by the service-selection-server (9), generating a configuration-signal and transmitting the configuration-signal to the access system for configuring (104) at least parts of the access system (4) and at least parts of the protocol couplings (3); (see, e.g., 13:18:14:18) and a receiving processor-system-part (22) that receives (105) a service-information-signal from the service-selection-server (9) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), which service-information-signal defines a protocol coupling (3) to be used. (See Specification at 14:19-23, 19:29-20:9).

The coupling-interface processor-system of claim 14 further includes a communicating processor-system-part (23) that communicates (107,108) with the service-providing-server (6) or the another terminal via the protocol coupling (3) defined by at least one service parameter, wherein the communicating (107, 108) includes an exchange of signals that comprise at least one service parameter. (See Specification at 14:24-15:13).

Independent claim 15 is directed to a coupling-interface processor program embodied on a tangible computer readable medium to be run via a coupling-interface processor-system (20) for controlling a coupling-interface transceiver (27) for transmitting and receiving signals and for use in a coupling-interface (2) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to the coupling-interface (2) able to communicate with the access system (4) by protocol couplings (3). (See Specification at FIG. 1 and 8:5-19).

As recited, the method for communication comprises receiving a service-selection-signal from the terminal (1) and transmitting (100,101) the service-selection-signal to a service-selection-server (9) (See Specification at 13:18-14:18); the service-selection-server (9), in dependence of a service-definition-signal, obtained by the service-selection-server (9), generating a configuration-signal and transmitting the configuration-signal to the access system (4) for configuring (104) at least parts of the access system (4) and at least parts of the protocol couplings (3) (See Specification at 13:18-14:18); and receiving (105) a service-information-signal from the service-selection-server (9) to inform about the configuration made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein the service-information-signal defines a protocol coupling (3) to be used. (See Specification at 14:19-23, 15:28-16:6, and 18:25-19:6).

The method for communication further comprises the operation of communicating (107,108) with the service-providing-server (6) or the other terminal via the protocol coupling (3) defined by at least one service parameter, wherein the communicating (107, 108) comprises an exchange of signals that comprise at least one service parameter. (See Specification at 14:24-15:13).

Dependent claim 18 recites that the service-selection-signal indicates one of a video-on-demand service, an audio/video call, and a voice-over-internet-protocol call. (See Specification, page 13, lines 19-24).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-6, 8-15, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada (U.S. Patent Application Publication No. 2002/0194317) in view of Chen (U.S. Patent Application Publication No. 2002/0018487) and McDysan (U.S. Patent No. 7,046,680).

2. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada, Chen, McDysan, and Jones (U.S. Patent Application Publication No. 2002/0176547).

3. Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada, Chen, and McDysan in view of Westfall (U.S. Patent No. 6,449,650).

VII. ARGUMENT

1. Claims 1-6, 8-15, and 18 are not unpatentable over Kanada in view of Chen and McDysan

For the ground of rejection applied to claims 1 and 8-15, the claims do not stand or fall together. Rather, the claims should be considered as separately patentable as outlined below.

Kanada, Chen, and McDysan do not teach all of the features of claim 1

To facilitate understanding of claim 1, an annotated version of application FIG. 1 is provided below. With reference to claim 1, the claimed method provides for communication between a terminal 1 and a service-providing server 6 or another terminal 7, 8 via access system 4 providing access to a network 5. Terminal 1 is coupled to a coupling-interface 2 which is able to communicate with access system 4 by protocol couplings 3.

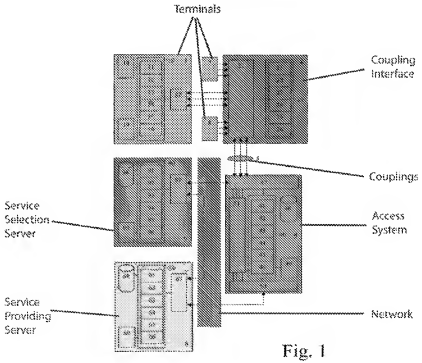

Fig. 1

Annotated Application Figure 1

In the claimed method, a "service-selection-signal" is generated at terminal 1 and transmitted from the terminal to a service-selection-server 9. The service-selection-server 9, in dependence of a "service-definition-signal" obtained by the service selection server, generates and transmits a "configuration-signal" to the access system 4. The "configuration-signal" configures the access system 4 and the protocol couplings 3. Further, a "service-information-signal" is generated at the service-selection-server 9 and transmitted to the terminal 1 and/or the coupling interface 2 to inform about the configurations made in the access system 4 and the protocol couplings 3, wherein the service-information-signal defines a protocol coupling 3 to be used.

In rejecting claim 1, the Examiner largely relies on nebulous citations to various portions of Kanada's disclosure, without endeavoring to identify all of the elements of claim 1, such as, for example, the coupling interface, the access system, another terminal, and the service providing server. This ambiguity notwithstanding, it is readily evident that the Examiner's proposed combination does not teach all of the features of claim 1, as discussed below.

Configuration-signal of claim 1

Claim 1 recites "at said service-selection-server … generating a configuration-signal and transmitting said configuration-signal to said access system for configuring … said access system and … said protocol couplings."

The Examiner relies on Kanada to teach:

(a) at said terminal [network device], generating a service-selection-signal and transmitting said service-selection-signal from said terminal to a service-selection-server (paragraphs 42, 43, and 65),

(b) at said service-selection-server [policy server], in dependence of a service-definition-signal, obtained by said service-selection server, generating a configuration-signal (paragraphs

70, 153-154) and transmitting said configuration-signal to said access system (paragraphs 44-45). (*See* Final Office Action, page 2, last two paragraphs, and page 3, paragraph 1).

The Examiner relies on Chen to teach "for configuring … said protocol couplings." The Examiner asserts that Chen discloses "configuring a multiple protocol mobile station by changing the configurable parameters" (paragraphs 39-40, and 44). (*See* Final Office Action, page 3, paragraphs 3 and 4).

Kanada is directed to a policy-based control, wherein the network devices are configured by policy rules controlling the functions for the Quality of Service (QoS) and security management. A policy server 103 establishes policies. Because the capability of certain network elements may vary, Kanada provides for "policy conversion," whereby a "high-level policy" can be translated into "low-level policies" to take into account constraints of hardware or software on network devices that would be otherwise incapable of implementing the high-level policy. A first policy ("high-level policy") is converted into second and third policies ("low-level policies") which are distributed to the network nodes 101, 121. (Paragraphs 37-39, 44). The policy rules describe an action to occur when a given condition holds. (Paragraph 41).

The first policy acts upon packets generated in clients 141, 142, 143, or 144, or upon packets that come through router 106. The second policy is distributed to interface 125 of router 121, and the third policy is distributed to interface 123 or 125 of router 121.

If the first policy works on packets generated in client 145, the second policy is distributed to interface 124 of router 121, and the third policy is distributed to interfaces 124 or 123 of router 121. (Paragraph 39).

Chen describes a virtual machine interface (VMI) to allow a programmer to configure the mobile station. The hardware of mobile device is configured to work with various communication protocols by changing values of the parameters of table 207. (Paragraphs 9 and 39-40).

According to claim 1, the configuration-signal is sent to the access system for configuring the access system and the protocol couplings, wherein the protocol couplings serve to enable communications between the claimed "coupling-interface" and the claimed "access system."

The Examiner asserts that Kanada describes sending a policy change to the policy server which then sends a policy change to be made to the network devices which are the part of the network and provide access from the terminal to other portions of the network via router, switches, etc. (paragraphs 70, 153-154). (*See* Final Office Action, page 10, paragraph 2).

The Examiner asserts that Kanada describes sending a policy change to the policy server which then sends a policy change to be applied to the network devices which are part of the network and provide access from the terminal to other portions of the network via router, switches, etc. Also, the Examiner asserts that Chen describes changing parameters values in the table to configure the mobile station protocol.

However, neither Kanada, nor Chen, taken singularly or in combination, teaches or suggests "at said service-selection-server … generating a configuration-signal and transmitting said configuration-signal to said access system for configuring … said access system and … said protocol couplings."

According to claim 1, the protocol couplings are used for communications between the access system and the coupling-interface.

The policy rules taught by Kanada are not the same as or an equivalent of the claimed "configuration-signal" which is sent "to said access system for configuring … said access system and … said protocol couplings" which are used for communications between the access system and the coupling-interface, as claimed.

Similarly, the parameters taught by Chen are not the same as or an equivalent of the protocol couplings.

Service-information signal of claim 1

Claim 1 further recites: "at said service-selection-server, generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in … the access system and … the protocol couplings, wherein said service-information signal defines a protocol coupling to be used."

The Examiner appears to acknowledge that Kanada does not teach "at said service-selection-server, generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in … the access system and … the protocol couplings, wherein said service-information signal defines a protocol coupling to be used." (*See* Final Office Action, page 3, center paragraph).

However, at page 11, the Examiner asserts that Kanada teaches "generating a service-information-signal, … wherein said service-information signal defines a protocol coupling to be used." (*See* Final Office Action, page 11, last paragraph).

Further, in the Advisory Action, the Examiner asserts that Chen describes a signal to be sent to change the parameters within the table (paragraphs 39-40 and 44) and McDysan discloses a policy change signal (col. 17, lines 15-18, 26-29, and 30-39). (*See* Advisory Action, page 3, last three lines).

As discussed above, **Chen** describes configuring hardware of a mobile device to work with various communication protocols by changing values of the parameters of table 207. (Paragraphs 39-40). Chen does not teach or suggest "generating a service-information-signal, … wherein said service-information signal defines a protocol coupling to be used."

McDysan describes initiating the reservation by a customer by sending a message to PAD 40. (Col. 16, line 63 - col. 17, line 5). If the reservation service is authorized for this customer, the message is sent downstream. (Col. 17, lines 6-14). If the reservation is approved at the far end of the network, a reservation (RESV) message is returned. (Col. 17, lines 15-18). If

the bandwidth requirements specified by the reservation (RESV) message are authorized for this customer, the reservation is approved. (Col. 17, lines 19-27). The reservation (RESV) message is returned to PAD 40 and to the customer. (Col. 17, lines 30-39).

Accordingly, McDysan describes a RESV message containing the bandwidth requirements and a confirmation message confirming the reservation (or, as interpreted by the Examiner, confirming the policy change). To the contrary, claim 1 recites "said service-information signal defines a protocol coupling to be used." That is, the service-information signal informs the terminal and/or the coupling-interface which protocol coupling is to be used. Neither Kanada, Chen, nor McDysan teaches the service-information signal defining a protocol coupling to be used and informing the terminal or the coupling-interface about which protocol coupling to use.

Coupling-interface of claim 1

Claim 1 recites "the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings."

The Examiner contends that Kanada shows terminals, servers, routers/switches that are connected within the network and have the means to connect to the network via the access system. (*See* Advisory Action, page 2, lines 49-51, "C"). Therefore, it is unclear which device the Examiner interprets as corresponding to the claimed access system and the claimed coupling-interface.

As claimed, the terminal is coupled to the coupling-interface able to communicate with the access system by protocol couplings. In Kanada, the policies are distributed from the policy server 103 to the routers.

In conclusion, Appellant respectfully submits that the proposed Examiner's combination of Kanada, Chen, and McDysan does not teach or suggest at least "the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings, said

method comprising ... (a) at said terminal, generating a service-selection-signal and transmitting said service-selection-signal from said terminal to a service-selection-server, (b) at said service-selection-server ... generating a configuration-signal and transmitting said configuration-signal to said access system for configuring ... said access system and ... said protocol couplings, (c) at said service-selection-server, generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in ... the access system and in ... the protocol couplings, wherein said service-information signal defines a protocol coupling to be used."

It is, therefore, respectfully submitted that **claim 1 and dependent claims 2-6 and 18** are patentable over Kanada, Chen, and McDysan.

Additionally, **claim 3** recites "at said service-selection-server, receiving said service-definition-signal from said service-providing-server or said other terminal defined by said service-selection-signal."

The Examiner broadly cites paragraphs 70 and 153-154 of Kanada as allegedly teaching the above-recited features of claim 3. (*See* Final Office Action, page 4, last paragraph).

However, it is unclear what the Examiner considers to correspond to "said service-definition-signal" or "said service-providing-server or said other terminal defined by said service-selection-signal."

Further, Appellant reviewed the cited portions of Kanada and found no teaching of "at said service-selection-server, receiving said service-definition-signal from said service-providing-server or said other terminal defined by said service-selection-signal."

In Kanada, there is no disclosure of a service-definition-signal being received from any element that can properly be analogized as the claimed "service-providing-server" or "said other terminal." Thus, the rejection is further improper for these reasons.

Accordingly, Appellant respectfully submits that the proposed Examiner's combination of Kanada, Chen, and McDysan does not teach or suggest at least "at said service-selection-

server, receiving said service-definition-signal from said service-providing-server or said other terminal defined by said service-selection-signal."

It is, therefore, respectfully submitted that **claim 3** is patentable over Kanada, Chen, and McDysan.

Claim 18 recites "the service-selection-signal indicates one of a video-on-demand service, an audio/video call, and a voice-over-internet-protocol call."

The Examiner relies on Kanada to teach the above-recited features of claim 18 (paragraph 38). (*See* Final Office action, page 6, paragraph 3).

In paragraph 38, Kanada describes reproduction of MPEG images, audio data, or using the web. However, the alleged service-selection-signal ("policy") does not indicate "one of a video-on-demand service, an audio/video call, and a voice-over-internet-protocol call." As taught by Kanada, the policy rules describe an action to occur when a given condition holds. (Paragraph 41).

Accordingly, Appellant respectfully submits that the proposed Examiner's combination of Kanada, Chen, and McDysan does not teach or suggest at least "the service-selection-signal indicates one of a video-on-demand service, an audio/video call, and a voice-over-internet-protocol call."

It is, therefore, respectfully submitted that **claim 18** is patentable over Kanada, Chen, and McDysan.

Claims 8-15

Claims 8-15 each recites features similar to those recited in claim 1. Accordingly, **claims 8-15** are patentable at least for the reasons similar to those discussed above regarding claim 1.

Further, the Final Office Action as well as the preceding Office Action fail to specifically address all of the expressly recited features of independent **claims 8-15**.

The Examiner appears to assert that the features of the independent claims other than claim 1 do not need to be addressed. The Examiner states that claim 1 discloses each of the parts/systems/components that are within each of claims 8, 10, 12, and 14. (*See* Advisory Action, page 2, lines 8-24, "B").

The Examiner's position appears to be erroneous. For example, at least the following features of independent claims 8-15 are not addressed or mentioned in the Office Actions or relation to the examination of claim 1:

Claim 8: "Access system …comprising:

(a) a receiving processor-system-part that receives a configuration-signal from a service-selection-server, and

(b) a configuring processor-system-part that … configures at least parts of said access system and at least parts of said protocol couplings, and

(c) a generating/forwarding processor-system part for generating/forwarding a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling interface to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, wherein said service-information-signal defines a protocol coupling to be used.

Claim 10: "Service-selection-server … comprising:

(a) a receiving processor-system-part that receives a service-selection-signal from said terminal,

(b) a configuring processor-system-part that … generates a configuration-signal and transmits said configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings, and

(c) a generating processor-system-part that generates a service-information-signal and transmits said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in at least parts of the access system

and in at least parts of the protocol couplings, wherein said service-information-signal defines a protocol coupling to be used.

Claim 12: "Terminal … comprising:

(a) a selecting processor-system-part that generates a service-selection-signal and transmits said service-selection-signal from said terminal to said service-selection-server,…

(c) a receiving processor-system-part that receives a service-information-signal from said service-selection-server, to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, wherein said service-information-signal defines a protocol coupling to be used, and

(d) a communicating processor-system-part that communicates with said service-providing-server or said another terminal via the protocol coupling defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise at least one service parameter.

Claim 14: "Coupling-interface … comprising:

(a) a transceiving processor-system-part that receives a service-selection-signal from said terminal and transmitting said service-selection-signal to a service-selection-server, …

(c) a receiving processor-system-part that receives a service-information-signal from said service-selection-server to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, which service-information-signal defines a protocol coupling to be used, and

(d) a communicating processor-system-part that communicates with said service-providing-server or said another terminal via the protocol coupling defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise at least one service parameter.

Additionally, Appellant reviewed the cited prior art and found no teaching of the above-mentioned features.

Accordingly, Appellant respectfully submits the rejection of **claims 8, 10, 12, and 14** is improper.

2. Claim 7 is not unpatentable over Kanada, Chen, McDysan, and Jones

Claim 7 depends from claim 1. Kanada, Chen, and McDysan do not teach all of the features of claim 1. Jones does not cure any deficiency of these references. Accordingly, **claim 7** is patentable at least by virtue of its dependency.

3. Claim 19 is not unpatentable over Kanada, Chen and McDysan in view of Westfall

Claim 19 depends from claim 1. Kanada, Chen, and McDysan do not teach all of the features of claim 1. Westfall does not cure any deficiency of these references. Accordingly, **claim 19** is patentable at least by virtue of its dependency.

VIII. CONCLUSION

In view of the foregoing, Appellant respectfully requests the Board reverse the rejections of **claims 1-15, 18, and 19**.

The statutory fee (37 C.F.R. §41.37(a) and 1.17(c)) was previously remitted. However, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CLAIMS APPENDIX

CLAIMS 1-15 AND 18-19 ON APPEAL:

1. Method for communication between a terminal and a service providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings, said method comprising the steps of

(a) at said terminal, generating a service-selection-signal and transmitting said service-selection-signal from said terminal to a service-selection-server,

(b) at said service-selection-server, in dependence of a service-definition-signal, obtained by said service-selection server, generating a configuration-signal and transmitting said configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings,

(c) at said service-selection-server, generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, wherein said service-information signal defines a protocol coupling to be used, and

(d) at said terminal and/or said coupling-interface, communicating with said service-providing-server or said other terminal via the protocol coupling defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise said at least one service parameter.

2. The method according to claim 1, wherein said step (b) comprises the step of (b1) at said service-selection-server, in dependence of said service-selection-signal, generating said service-definition-signal.

3. The method according to claim 1, wherein said step (b) comprises the step of (b2) at said service-selection-server, receiving said service-definition-signal from said service-providing-server or said other terminal defined by said service-selection-signal.

4. The method according to claim 1, wherein said coupling-interface is coupled to a permanent channel, with said step (d) comprising the steps of (d1) at said terminal and/or said coupling-interface, in dependence of said service-information-signal, configuring at least parts of said terminal and/or of said coupling interface, and of (d2) at said terminal and/or said coupling-interface, setting up a virtual connection from said coupling-interface to said access system, and of (d3) at said access system, setting up a virtual connection from said access system to said service-providing-server or said other terminal, and with said service parameter being supplied to said terminal and/or said coupling-interface via said service-information-signal.

5. The method according to claim 1, wherein said coupling-interface is not coupled to said access system via a permanent channel, with said step (a) comprising the steps of (a1) at said terminal and/or said coupling-interface, in dependence of said service-selection-signal, setting up a virtual connection from said coupling-interface to said service-selection-server and of (a2) at said terminal and/or said coupling-interface, in dependence of said service-selection-signal, configuring at least parts of said terminal and/or said coupling-interface, and with said step (d) comprising the step of (d3) at said access system, setting up a virtual connection from said access system to said service-providing-server or said other terminal, and with said service parameter being prestored in said terminal and/or said coupling-interface.

6. The method according to claim 5, wherein said step (d) comprises the step of (d4) at said terminal and/or said coupling-interface, in dependence of said service-information-signal, re-configuring at least parts of said terminal and/or of said coupling-interface.

7. The method according to claim 1, wherein said method comprises the step of (e) at said access system, billing packet-signals (to be) exchanged between said terminal and/or of said coupling-interface on the one hand and said service-providing-server or said other terminal on the other hand.

8. Access system for performing a method for communication between a terminal and a service-providing-server or another terminal via said access system providing access to a network, wherein the terminal is coupled to a coupling interface able to communicate with the access system by protocol couplings, said access system comprising:

an access processor-system that controls an access transceiver that transmits and receives signals, wherein in that said access processor-system comprises:

(a) a receiving processor-system-part that receives a configuration-signal from a service-selection-server, and

(b) a configuring processor-system-part that, in dependence of said configuration-signal, obtained by said service-selection server, configures at least parts of said access system and at least parts of said protocol couplings, and

(c) a generating/forwarding processor-system part for generating/forwarding a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling interface to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, wherein said service-information-signal defines a protocol coupling to be used.

9. Access processor program embodied on a tangible computer readable medium to be run via an access processor-system for controlling an access transceiver for transmitting and receiving signals and for use in an access system for performing a method for communication between a terminal and a service-providing-server or another terminal via said access system providing access to a network, wherein the terminal is coupled to a coupling-interface able to

communicate with the access system by protocol couplings, said method for communication comprising:

(a) receiving a configuration-signal from a service-selection-server, and

(b) in dependence of said configuration-signal, obtained by said service-selection-server configuring at least parts of said access system and at least parts of said protocol couplings, and

(c) generating/forwarding a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, which service-information signal defines a protocol coupling to be used.

10. Service-selection-server for performing a method for communication between a terminal and a service-providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings, said service-selection-server comprising a service-selection-server processor-system for controlling a service-selection-server transceiver for transmitting and receiving signals, wherein said service-selection-server processor-system comprising:

(a) a receiving processor-system-part that receives a service-selection-signal from said terminal,

(b) a configuring processor-system-part that, in dependence of a service-definition-signal, obtained by said service-selection-server, generates a configuration-signal and transmits said configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings, and

(c) a generating processor-system-part that generates a service-information-signal and transmits said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in at least parts of the access system

and in at least parts of the protocol couplings, wherein said service-information-signal defines a protocol coupling to be used.

11. Service-selection-server program embodied on a tangible computer readable medium to be run via a service-selection-server processor-system for controlling a service-selection-server transceiver for transmitting and receiving signals and for use in a service-selection-server for performing a method for communication between a terminal and a service-providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings, said method comprising:

(a) receiving a service-selection-signal from said terminal,

(b) in dependence of a service-definition-signal, obtained by said service-selection-server, generating a configuration-signal and transmitting said configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings, and

(c) generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, wherein the service-information-signal defines a protocol coupling to be used.

12. Terminal for performing a method for communication between said terminal and a service-providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to a coupling interface able to communicate with the access system by protocol couplings, said terminal comprises a terminal processor-system for controlling a terminal receiver for transmitting and receiving signals, said terminal processor-system comprising:

(a) a selecting processor-system-part that generates a service-selection-signal and transmits said service-selection-signal from said terminal to said service-selection-server, the service-selection-server, in dependence of a service-definition-signal, obtained by said service-selection-server, generating a configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings,

(c) a receiving processor-system-part that receives a service-information-signal from said service-selection-server, to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, wherein said service-information-signal defines a protocol coupling to be used, and

(d) a communicating processor-system-part that communicates with said service-providing-server or said another terminal via the protocol coupling defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise at least one service parameter.

13. Terminal processor program embodied on a tangible computer readable medium to be run via a terminal processor-system for controlling a terminal transceiver for transmitting and receiving signals and for use in a terminal for performing a method for communication between said terminal and a service-providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings, said method comprising:

(a) generating a service-selection-signal and transmitting said service-selection-signal from said terminal to a service-selection-server, the service-selection-server, in dependence of a service-definition-signal, obtained by said service-selection-server, generating a configuration-signal and transmitting said configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings,

(c) receiving a service-information-signal from said service-selection-server to inform about the configurations made in at least parts of the access system and in at least parts of the

protocol couplings, wherein said service-information-signal defines a protocol coupling to be used, and

(d) communicating with said service-providing-server or said other terminal via the protocol coupling defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise said at least one service parameter.

14. Coupling-interface for performing a method for communication between a terminal and a service-providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to said coupling interface able to communicate with the access system by protocol couplings, said coupling-interface comprising a coupling-interface processor-system for controlling a coupling-interface transceiver for transmitting and receiving signals, said coupling-interface processor-system comprising:

(a) a transceiving processor-system-part that receives a service-selection-signal from said terminal and transmitting said service-selection-signal to a service-selection-server, the service-selection-server, in dependence of a service-definition-signal, obtained by said service-selection-server, generating a configuration signal and transmitting said configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings,

(c) a receiving processor-system-part that receives a service-information-signal from said service-selection-server to inform about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, which service-information-signal defines a protocol coupling to be used, and

(d) a communicating processor-system-part that communicates with said service-providing-server or said another terminal via the protocol coupling defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise at least one service parameter.

15. Coupling-interface processor program embodied on a tangible computer readable medium to be run via a coupling-interface processor-system for controlling a coupling-interface transceiver for transmitting and receiving signals and for use in a coupling-interface for performing a method for communication between a terminal and a service-providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to said coupling-interface able to communicate with the access system by protocol couplings, said method comprising:

(a) receiving a service-selection-signal from said terminal and transmitting said service-selection-signal to a service-selection-server, the service-selection-server, in dependence of a service-definition-signal, obtained by said service-selection-server, generating a configuration-signal and transmitting said configuration-signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings,

(c) receiving a service-information-signal from said service-selection-server to inform about the configuration made in at least parts of the access system and in at least parts of the protocol couplings, wherein said service-information-signal defines a protocol coupling to be used, and

(d) communicating with said service-providing-server or said other terminal via the protocol coupling defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise at least one service parameter.

18. The method according to claim 1, wherein the service-selection-signal indicates one of a video-on-demand service, an audio/video call, and a voice-over-internet-protocol call.

19. The method according to claim 1, wherein the service-definition-signal comprises the at least one service parameter indicating at least one of a bandwidth and a priority which are used to communicate between the terminal and one of the service-providing-server and the other terminal.

EVIDENCE APPENDIX

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), submitted herewith are copies of any evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by Appellant in the appeal.

NONE

RELATED PROCEEDINGS APPENDIX

Submitted herewith are copies of decisions rendered by a court or the Board in any proceeding identified above in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).

NONE